

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

No. 06-20478-BBD

JIMMY STANLEY,

Defendant.

REPORT AND RECOMMENDATION ON SUPERVISED RELEASE VIOLATION

Before the Court for report and recommendation is the hearing on violation of conditions of supervised release concerning Defendant Jimmy Stanley. The Petition filed by U.S. Probation Officer Tornika Brooks alleges that Stanley violated the condition of release prohibiting him from committing another federal, state or local crime. Specifically, the Petition alleges that on May 23, 2011, Jimmy Stanley was arrested by the Memphis Police Department and charged with Forgery \$1000 or Less and Criminal Attempt-Theft of Property \$500 or Less. According to the incident report and Affidavit of Complaint, Mr. Stanley was identified as the person who attempted to cash a counterfeit payroll check at the Superlo Food in Southeast Memphis on December 30, 2010. Mr. Stanley exited the store without receiving money and left his identification card. On June 14, 2011, Mr. Stanley was found guilty of Criminal Attempt-Theft of Property \$500 or Less and the charge of Forgery \$1000 or Less was Nolle Prosequi. Mr. Stanley was placed on probation for eleven (11) months and six (6) days. The petition further alleges that On September 9, 2011, Jimmy Stanley was arrested by the Memphis Police

Department and charged with Possession of Controlled Substance with Intent to Manufacture Deliver Sell To Wit Marijuana. According to the incident report and Affidavit of Complaint, while conducting a pat down, the arresting officers discovered thirty-seven (37) bags of marijuana on Mr. Stanley's person. Mr. Stanley was taken into custody and he is currently being held on \$25,000 bond. This case is pending in Division 8 of Shelby County General Sessions Court.

A revocation hearing was held on November 15, 2011. Defendant Stanley was present with his attorney Robert Parris. The United States was represented by Asst. U.S. Atty. Tony Arvin. Stanley admitted violation of the condition of supervised release as set forth in the Petition. The United States and Stanley jointly recommended a term of twelve (12) months and one (1) day imprisonment to be followed by no term of supervised release. This recommendation, which is below the guideline range of fifteen to twenty-one months, is justified by the fact that Stanley plead guilty to the misdemeanor possession of controlled substance charge.

The undersigned recommends that the joint recommendation be accepted by the District Court and that Stanley, having admitted to violating the terms of his supervised release, be imprisoned for a term of twelve (12) months and one (1) day to be followed by no term of supervised release.

Signed this 23rd day of November, 2011.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.